

NINTH DAY.

Senate Chamber,
Austin, Texas, Sept. 8, 1932.
The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Russek.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Gainer.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Hopkins:

S. B. No. 28, A bill to be entitled "An Act validating all road bonds heretofore voted by any political subdivision or road district under Section 52 of Article 3 of the Constitution, and which bonds have not been issued and sold; authorizing the commissioners' court of the county including such subdivision or road district to pass all orders necessary in respect of the sale of such road bonds and to levy ad valorem taxes on all taxable property in such subdivision or district in payment thereof; providing that such bonds, when approved by the Attorney General and registered by the State Comptroller, shall be the

valid obligations of such political subdivision or road district issuing the same; and declaring an emergency."

Read and referred to Committee on Highways and Motor Traffic.

By Senator Berkeley:

S. B. No. 29, A bill to be entitled "An Act to authorize the creation of corporations formed wholly for the purpose of providing housing for families of low income and/or for reconstruction of slum areas; making provisions for the regulation by the governing bodies of municipalities in which the properties of such corporations may be situated as to rents, charges, capital structure, rate of return and areas and methods of operation; making provisions for the powers of such corporations and the fees and taxes to be paid thereby; and making provisions for appeals by such corporations when dissatisfied with the fixing or changing of rents, charges, capital structures, rate of return and area and method of operation, and providing penalties for violation of regulatory measures, and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Parr:

S. B. No. 30, A bill to be entitled "An Act to amend Article 2938 of the Revised Civil Statutes of Texas, 1925, relating to the appointment of election judges and clerks in election precincts where there are one hundred citizens or more who have paid their poll tax or received their certificates of exemption, providing that the presiding judge appointed shall in all cases belong to the party that at the last general election cast the largest vote for Governor throughout the State; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Small:

S. B. No. 31, A bill to be entitled "An Act to amend Article 6008 of the Revised Civil Statutes of Texas, of 1925, as amended by Act of the 42nd Legislature, First Called Session, Chapter 26, Section 2, relating to the production and use of gas from wells producing gas only so as to provide for the regulation of the production and use of gas from wells

producing gas only; providing that the provisions of Title 102, Revised Civil Statutes of Texas, of 1925, as amended relating to penalties, the making, enforcement of rules, regulations or orders, notice of hearings, hearings, procedure, remedies, and reviews, applicable to the regulation of the production and use of gas as modified hereby shall apply in the enforcement of this act; providing that if any portion of this act be unconstitutional the remainder shall be valid; providing for the repeal of all laws or parts of laws in conflict herewith; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Hornsby:

S. B. No. 32, A bill to be entitled "An Act fixing the time for making election returns by presiding judges in general and special elections, and amending Article 3123 so as to fix the time for making precinct and county election returns in party primary elections; fixing a penalty for the failure to make such returns within the time prescribed by this Act; and declaring an emergency."

Read and referred to Committee on State Affairs.

Senators Excused.

On motion of Senator Loy, Senator Russek was excused for the day on account of important business.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, Sept. 8, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 3, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all State, county, special school district, road district, levee improvement district, and irrigation district taxes and taxes of other defined subdivisions of the State, other than incorporated cities and towns, delinquent up to and including October 20, 1932, providing said taxes are paid on or before January 31, 1933, declaring a State policy and the existence of a public calamity, suspending all laws and parts of laws

in conflict herewith, and declaring an emergency."

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill No. 21.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Metcalfe:

H. B. No. 21, A bill to be entitled "An Act amending Article 6954, Chapter 6, Title 121 of the Revised Civil Statutes of Texas, 1925, as amended in Chapter 245 of the Acts of the Regular Session of the Fortieth Legislature of Texas, as amended in Chapter 5, of the Acts of the Regular Session of the Forty-first Legislature of Texas, and as further amended in Chapter 71 of the Acts of the First Called Session of the Forty-first Legislature of Texas, the latter being House Bill No. 120, passed by the First Called Session of the Forty-first Legislature, and further amended in Chapter 8, of the Acts of the Third Called Session of the Forty-first Legislature, Senate Bill No. 22, and furthermore amended in Chapter 313 of the Acts of the Regular Session of the Forty-second Legislature, with reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include in said article the county of Reagan, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 21 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Loy.
Berkeley.	Martin.
Cousins.	Moore.
Cunningham.	Neal.
DeBerry.	Oneal.
Gainer.	Parr.
Greer.	Parrish.
Hardin.	Patton.
Holbrook.	Poage.
Hopkins.	Pollard.
Hornsby.	Purl.

Rawlings.	Williamson.
Small.	Woodruff.
Stevenson.	Woodul.
Thomason.	Woodward.

Absent—Excused.

Russek.

Read third time and finally passed
by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Russek.

House Bill No. 22.

The Chair laid before the Senate
on its second reading the following
bill:

By Mr. Metcalfe:

H. B. No. 22, A bill to be entitled
"An Act providing for a closed sea-
son in Glasscock county upon quail,
doves and pheasants, for a period
of three (3) years, and declaring an
emergency."

The committee report was adopted.
The committee amendment was
adopted.

The bill was read second time and
passed to third reading.

On motion of Senator Williamson
the constitutional rule requiring bills
to be read on three several days was
suspended and H. B. No. 22 was put
on its third reading and final pas-
sage, by the following vote:

Yeas—30.

Beck.	Hardin.
Berkeley.	Holbrook.
Cousins.	Hopkins.
Cunningham.	Hornsby.
DeBerry.	Loy.
Gainer.	Martin.
Greer.	Moore.

Neal.	Rawlings.
Oneal.	Small.
Parr.	Stevenson.
Parrish.	Thomason.
Patton.	Williamson.
Poage.	Woodruff.
Pollard.	Woodul.
Purl.	Woodward.

Absent—Excused.

Russek.

Read third time and finally passed
by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Nays—1.

DeBerry.

Absent—Excused.

Russek.

House Bill No. 28.

The Chair laid before the Senate
on its second reading the following
bill:

By Mr. Caven:

H. B. No. 28, A bill to be entitled
"An Act to repeal Chapter 80 of the
General and Special Laws of the
State of Texas, enacted in 1931, and
declaring an emergency."

Read second time.

On motion of Senator Small the
bill was laid on the table subject
to call.

House Bill No. 34.

The Chair laid before the Senate
on its second reading the following
bill:

By Mr. Jones of Atascosa:

H. B. No. 34, A bill to be entitled
"An Act repealing S. B. No. 56,

Chapter 78, page 242, of the General and Special Laws passed at the Fifth Called Session of the Forty-first Legislature of the State of Texas, 1930."

The committee report was adopted.

The committee amendment was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Stevenson the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 34 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Russek.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Holbrook.
Berkeley.	Hopkins.
Cousins.	Hornsby.
Cunningham.	Loy.
Gainer.	Martin.
Greer.	Moore.
Neal.	Rawlings.
Oneal.	Small.
Parr.	Stevenson.
Parrish.	Thomason.
Patton.	Williamson.
Poage.	Woodruff.
Pollard.	Woodul.
Purl.	Woodward.
Hardin.	

Present—Not Voting.

DeBerry.

Absent—Excused.

Russek.

House Bill No. 35.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Sanders, Mr. Murphy and Mr. Jones of Shelby:

H. B. No. 35, A bill to be entitled "An Act regulating the taking of certain fur-bearing animals or their pelts for barter or sale in certain counties, and declaring them to be the property of the State; prescribing penalty for violation, and declaring an emergency."

The committee report was adopted.

The committee amendment was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Thomason the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 35 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Russek.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Oneal.
Cunningham.	Parr.
Gainer.	Parrish.
Greer.	Patton.
Hardin.	Poage.
Holbrook.	Pollard.
Hopkins.	Purl.
Hornsby.	Rawlings.
Loy.	Small.
Martin.	Stevenson.

Thomason. Woodul.
Williamson. Woodward.
Woodruff.

Present—Not Voting.

DeBerry.

Absent—Excused.

Russek.

House Bill No. 39.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Adams of Jasper:

H. B. No. 39, A bill to be entitled "An Act providing for the open season on squirrels in Jasper and Newton counties; providing a penalty, and declaring an emergency."

The committee report was adopted. The bill was read second time and passed to third reading.

On motion of Senator Thomason the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 39 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Russek.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Holbrook.
Berkeley.	Hopkins.
Cousins.	Hornsby.
Cunningham.	Loy.
Gainer.	Martin.
Greer.	Moore.
Hardin.	Neal.

Oneal.
Parr.
Parrish.
Patton.
Poage.
Pollard.
Purl.
Rawlings.

Small.
Stevenson.
Thomason.
Williamson.
Woodruff.
Woodul.
Woodward.

Present—Not Voting.

DeBerry.

Absent—Excused.

Russek.

House Bill No. 45.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Murphy and Mr. Sanders:
H. B. No. 45, A bill to be entitled "An Act providing for an open season on squirrels in Polk and Trinity counties; providing penalty, and declaring an emergency."

The committee report was adopted. The committee amendments were adopted.

The bill was read second time.

Senator Thomason sent up the following amendment:

Amend H. B. No. 45, by adding Angelina County.

THOMASON.

Read and adopted.

The bill as amended was passed to third reading.

On motion of Senator Thomason the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 45 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Russek.

Read third time and finally passed
by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Present—Not Voting.

DeBerry.

Absent—Excused.

Russek.

Senate Bill No. 19.

The Chair laid before the Senate
on its second reading the following
bill:

By Senator Small:

S. B. No. 19, A bill to be entitled
"An Act repealing Section 16 of
Chapter 73 of the Special Laws
passed by the Thirty-sixth Legisla-
ture at its Third Called Session, the
same being an Act creating the
Spearman Independent School Dis-
trict in Hansford county, said Sec-
tion 16 relating to the beginning of
the fiscal year in connection with
the levying, assessing and collection
of taxes; and declaring an emer-
gency."

The committee report was adopted.

The bill was read second time and
passed to engrossment.

On motion of Senator Small the
constitutional rule requiring bills
to be read on three several days
was suspended and S. B. No. 19 was
put on its third reading and final
passage, by the following vote:

Yeas—30.

Beck.	Cunningham.
Berkeley.	DeBerry.
Cousins.	Gainer.

Greer.	Patton.
Hardin.	Poage.
Holbrook.	Pollard.
Hopkins.	Purl.
Hornsby.	Rawlings.
Loy.	Small.
Martin.	Stevenson.
Moore.	Thomason.
Neal.	Williamson.
Oneal.	Woodruff.
Parr.	Woodul.
Parrish.	Woodward.

Absent—Excused.

Russek.

Read third time and finally passed
by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Russek.

House Bill No. 38.

The Chair laid before the Senate
on its second reading the following
bill:

By Mr. Adams of Jasper:

H. B. No. 38, A bill to be entitled
"An Act to prohibit the hunting,
trapping, ensnaring or killing of any
wild deer, buck, doe or fawn within
the limits of the counties of Jasper
and Newton, State of Texas, for a
period of three years from and after
the passage of this act; providing
a penalty therefor, and declaring an
emergency."

The rule requiring committee re-
ports to lie over one day was sus-
pended by unanimous consent.

The committee report was adopted.

The bill was read second time and
passed to third reading.

On motion of Senator Thomason
the constitutional rule requiring bills

to be read on three several days was suspended and H. B. No. 38 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Russek.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Present—Not Voting.

DeBerry.

Absent—Excused.

Russek.

Senate Bill No. 17.

The Chair laid before the Senate on its second reading the following bill:

By Senator Woodruff:

S. B. No. 17, A bill to be entitled "An Act to provide: (a) To confer on the State of Texas the right to appeal from awards made by commissioners to appraise damages,

and/or judgment of courts, in condemnation proceeding; (b) Providing the conditions upon which the State may have the writ of possession pending final determination of proceedings in condemnation, and making adequate provision to protect the rights of private persons and their property concerning the prompt payment of final awards in condemnation proceedings, etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodruff the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 17 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Russek.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Present—Not Voting.

DeBerry.

Absent—Excused.

Russek.

Motion for Free Conference.

On motion of Senator DeBerry, the Senate refused to concur in House amendments to S. B. No. 3 and requested a Free Conference Committee.

The Chair appointed Senators DeBerry, Poage, Small, Oneal and Rawlings on the part of the Senate.

Recess.

On motion of Senator Woodward, the Senate, at 11:05 o'clock a. m., recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Message from the Governor.

Executive Office,
Austin, Texas, Sept. 8, 1932.
To the Members of the Forty-second Legislature:

On February 6th, 1931, I submitted to you for confirmation, the appointment of Hon. Moore Lynn as State Auditor and Efficiency Expert for the next ensuing statutory term of office, which appointment was confirmed and certified by you on February 11th, 1931.

On August 11th, 1931, I submitted to you for confirmation the appointment of Hon. James Shaw as a State Banking Commissioner for the next ensuing statutory term of office which appointment was confirmed by you on August 12th, 1931, and duly certified.

On February 2nd, 1931, I submitted to you for confirmation the appointments of Hon. Caesar Kleberg and Hon. Gus F. Schreiner as members of the State Game, Fish and Oyster Commission for the next ensuing statutory terms of office, which appointments were confirmed by you and duly certified on February 4th, 1931.

Some legal question has been raised with reference to the respective appointments above mentioned and I have this day re-appointed the above mentioned to the respective offices named and for the respective terms hereinabove named and I here-

by submit these appointments to you for confirmation.

Respectfully submitted,
R. S. STERLING,
Governor.

Read and referred to Committee on Governor's Nominations.

Executive Office,
Austin, Texas, Sept. 1932.
To the Members of the Forty-second Legislature:

I hereby submit for your consideration the following bill captioned as follows:

"An Act to authorize the creation of corporations formed wholly for the purpose of providing housing for families of low income and/or for re-construction of slum areas; making provisions for the regulation by the governing bodies of municipalities in which the properties of such corporations may be situated as to rents, charges, capital structure, rate of return and areas and methods of operation; making provisions for the powers of such corporations and the fees and taxes to be paid thereby; and making provisions for appeals by such corporations when dissatisfied with the fixing or changing of rents, charges, capital structures, rate of return and area and method of operation, and providing penalties for violation of regulatory measures, and declaring an emergency."

Respectfully submitted,
R. S. STERLING,
Governor.

Senate Bill No. 9.

The Chair laid before the Senate on its second reading the following bill:

By Senator Purl and Hopkins:
S. B. No. 9, A bill to be entitled "An Act to amend Sections 20, 27, 38, 44, 47 and 48 and to add a new section thereto, to be known as Section 21-a, of an Act entitled 'An Act defining Building and Loan Associations, providing for their incorporation and prescribing the terms, conditions and regulations upon which such companies may carry on their business in Texas, providing that shareholders shall not be disqualified to take acknowledgements; validating such previous acknowledgements by shareholders; prescribing the terms and conditions upon

which foreign building and loan associations may carry on their business in Texas, prescribing penalties for violation of the provisions of the Act, repealing acts and parts of acts in conflict herewith, and declaring an emergency' enacted by the Second Called Session of the 41st Legislature of the State of Texas, and being Senate Bill No. 111, Chapter 61, and published at length in the General Laws of the Second and Third Sessions of the 41st Legislature at pages 100 to 129; providing for keeping secret facts regarding building and loan associations by certain officers and employees; providing that certain information may be given to the Federal Home Loan Bank Board; providing for the reorganization of building and loan associations; providing certain restrictions on building and loan associations taking, holding and conveying real estate; providing for the investment of the funds of building and loan associations; prescribing the power of associations to borrow money; providing for the withdrawal of funds by investing the withdrawal value of shares of stock in building and loan associations; authorizing domestic building and loan associations to become members of a Federal Home Loan Bank; providing for domestic building and loan associations to receive the benefits of the Federal Home Loan Bank Act; and declaring an emergency."

Committee amendment No. 1 was adopted.

Senator Purl moved to defer the further consideration of this bill and to set it as special order tomorrow morning at 11 o'clock. The motion prevailed.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, Sept. 8, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 1, A bill to be entitled "An Act amending Article 517 of the Revised Civil Statutes of the State of Texas as set out in the Acts of 1927, Fortieth Legislature, regulating the pledging of securities by State banking corporations and permitting them to pledge such securi-

ties to the Reconstruction Finance Corporation."

S. B. No. 2, A bill to be entitled "An Act amending Article 515 of the Revised Civil Statutes of the State of Texas, limiting the indebtedness of State banking corporations, but permitting same to borrow in excess of this amount from the Reconstruction Finance Corporation, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Sept. 8, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a Conference Committee to consider the differences between the two Houses on S. B. No. 3. The following are conferees on the part of the House:

Young, Pope, Morse, Goodman and McGill.

The House has concurred in Senate Amendments to H. B. No. 34 by a vote of 114 yeas and 0 nays.

The House has concurred in Senate Amendments to H. B. No. 45 by a vote of 101 yeas and 3 nays.

The House has refused to concur in Senate Amendments to H. B. No. 35 and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Sanders, Jones of Shelby, Murphy, Burns of Walker and Ramsey.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Sept. 8, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. B. No. 22 by a vote of 106 yeas and 1 nay.

The House concurred in Senate Amendments to H. B. No. 26 by a vote of 105 yeas and 0 nays.

The House concurred in Senate

Amendments to H. B. No. 28 by a vote of 103 yeas and 0 nays.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 8.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Greer:

S. B. No. 8, A bill to be entitled "An Act authorizing and empowering building and loan associations, savings and loan associations, co-operative banks, homestead associations, insurance companies, and savings banks, organized or incorporated under the laws of the State of Texas, to subscribe for, and invest their funds in, the stock of the Federal Home Loan Bank, of which it may be eligible to become a member, in compliance with the provisions of the Act of Congress known and cited as the 'Federal Home Loan Bank Act;' and declaring an emergency."

The committee amendment was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 8 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Russek.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Present—Not Voting.

DeBerry.

Absent—Excused.

Russek.

Senate Bill No. 28.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Hopkins:

S. B. No. 28, A bill to be entitled "An Act validating all road bonds heretofore voted under certain conditions, etc., and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by unanimous consent.

The committee report was adopted.

On motion of Senator Hopkins the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 28 was put on its second reading, by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.**Russek.**

The bill was read second time and passed to engrossment.

On motion of Senator Hopkins the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 28 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.**Russek.**

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.**Russek.****Senate Bill No. 28.**

The Chair laid before the Senate on its third reading the following bill:

By Senator Pollard:

S. B. No. 23, A bill to be entitled "An Act creating the Special Dis-

trict Court of Upshur county and Smith County, Texas; prescribing its jurisdiction, limiting its existence, fixing its terms; providing for the appointment of a judge thereof, fixing his compensation, making an appropriation for the same, prescribing his powers and duties, providing for the transfer of cases from the Seventh Judicial District Court to said Special District Court and from said Special District Court to the Court of the Seventh Judicial District; providing for the District Clerks of Upshur and Smith counties and their successors in office to be the Clerks for said Special District Court in their respective counties; providing that the district attorney of the Seventh Judicial District shall represent the State in said Special District Court, and making it the duty of the county attorneys of Upshur and Smith counties to represent the State without extra compensation in said Special District Court in their respective counties in the absence of the district attorney or when he is for any reason unable to do so; providing a seal for said Special District Court; providing that if any section of this Act be held unconstitutional or invalid for any reason, the same shall not impair or affect the remaining sections or provisions; and declaring an emergency."

Read third time and finally passed by the following vote:

Yeas—15.

Beck.	Parr.
Berkeley.	Patton.
Cousins.	Pollard.
Gainer.	Purl.
Holbrook.	Small.
Hopkins.	Thomason.
Moore.	Woodul.
Neal.	

Nays—10.

DeBerry.	Poage.
Hardin.	Rawlings.
Hornsby.	Stevenson.
Loy.	Williamson.
Oneal.	Woodruff.

Present—Not Voting.**Martin.****Absent.**

Cunningham.	Parrish.
Greer.	Woodward.

Absent—Excused.**Russek.**

House Bill No. 28.

Senator Neal called up from the table H. B. No. 28, which was laid on the table subject to call this morning.

Senator Neal sent up the following amendment:

Amend H. B. No. 28 by striking out the words "General and" in line 2, Section 1, and also amend the caption so that it will conform to the body of the bill.

NEAL.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 28 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward

Absent—Excused.

Russek.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward

Absent—Excused.

Russek.

House Bill No. 26.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Alsup:

H. B. No. 26, A bill to be entitled "An Act to prohibit the use of steel traps or any other mechanical device for the taking of fur-bearing animals in this State; providing a penalty, and declaring an emergency."

Committee amendment No. 1 was adopted.

Committee amendment No. 2 was lost.

On motion of Senator Thomason committee amendment No. 3 was tabled.

The bill was read second time and passed to third reading.

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 26 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Harding.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Russek.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Harding.
Berkeley.	Holbrook.
Cousins.	Hopkins.
Cunningham.	Hornsby.
DeBerry.	Loy.
Gainer.	Martin.
Greer.	Moore.

Neal.	Rawlings.
Oneal.	Small.
Parr.	Stevenson.
Parrish.	Thomason.
Patton.	Williamson.
Poage.	Woodruff.
Pollard.	Woodul.
Purl.	Woodward.

Absent—Excused.

Russek.

S. C. R. No. 5.

Senator Woodruff sent up the following resolution:

Be it resolved by the Senate of the State of Texas, the House of Representatives concurring, that the committee heretofore appointed under authority and by virtue of the terms and provisions of House Concurrent Resolution No. 58, adopted at the Regular Session of the 42nd Legislature, be, and it is, hereby authorized and directed to inquire into the affairs and methods of operations of any cooperative agricultural marketing association, or subsidiary thereof operating in this State, in conjunction with or directly or indirectly affiliated with the Federal Farm Board.

All powers conferred upon and reposed in said committee under said resolution are hereby extended to said committee to include the inquiry hereby directed to be made.

Such committee shall file a transcript of its findings with the Attorney General of this State and another with the 43rd Legislature.

WOODRUFF.

The resolution was read.

Senator Poage sent up the following amendment:

Amend S. C. R. No. 5, by adding the following: "Provided, however, that not more than \$5,000.00 in excess of the sums already spent by said committee shall be expended for the purpose herein set out nor shall any warrants in excess of such sum be paid."

POAGE.

The amendment was read and adopted.

Senator Stevenson raised the point of order that this resolution was not within the Governor's call, and therefore was out of order.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order.

The resolution as amended was adopted.

S. C. R. No. 6.

Senator Purl sent up the following resolution:

Whereas, the principal, teachers, pupils, and parents of Forest Avenue High School, Dallas Texas, by formal resolution, initiated in November, 1931, a movement to set apart annually the calendar week in which March 2nd comes to be known as Texas Week and observe same by engaging in such activities as planting trees, shrubs, and flowers; reading books on Texas history and life; hanging pictures appropriate to such an occasion; unfurling the Texas Flag to Texas breezes; working harder and with greater zeal than during other weeks of the year; and engaging in such other activities as are appropriate to Texas Week; and

Whereas, the Texas State Teachers Association in their convention in 1931, the High School Principals and Supervisors Association of Texas, and the Directors of the Texas State Teachers Association endorsed Texas Week and its program of observance, and incorporated the same in the educational program of Texas; since which time many schools and colleges, the Texas Congress of Parents and Teachers, the Federated Chapter of the Daughters of the Republic of Texas, the Texas Federation of Women's Clubs, the Texas Federation of Garden Clubs, numerous newspapers and magazines, scores of patriotic societies, luncheon clubs, civic organizations, and hundreds of government officials and private citizens, together with the Dallas Board of Education and the Dallas Council of Parents and Teachers have endorsed Texas Week; and

Whereas, Texas Week was successfully observed last March by all the public schools in the City of Dallas and Dallas county, by scores of homes, patriotic societies, luncheon clubs, civic organizations, and by hundreds of schools in every portion of Texas; and

Whereas, the Legislature of Texas

is anxious to encourage every patriotic and worthwhile educational movement which aims to make our people Texas-minded and instill in them a sprit of loyalty to this State, its institutions, and its Flag;

Therefore Be It Resolved by the Senate of Texas the House concurring, that the Legislature of Texas, by this resolution, heartily endorses the movement inaugurated by these various schools and organizations; that the Governor of this State be asked to issue a proclamation, annually, declaring the week in which falls the date of March 2nd, to be "Texas Week" and requesting the cooperation of each citizen of this State and all civic, fraternal, religious, educational and other organizations of whatever nature, in the proper observance of "Texas Week."

Be It Further Resolved by the Senate of Texas, the House concurring that an Executive Committee be and the same is hereby appointed for the purpose of conferring with the Governor and with the various organizations and the citizens of Texas to insure a perpetuation of this patriotic spirit of Texas in the lives and minds of its citizens, and to aid in formulating programs for the observance of this week over the various parts of the State. Said Executive Committee shall serve without pay or expenses and shall consist of the following:

President of Texas State Teachers Association.

State Superintendent of Public Instruction.

President of State Board of Education.

President of the University of Texas.

Principal of Dallas Forest Avenue High School.

PURL.

On motion of Senator Purl the resolution was referred to the Committee on Educational Affairs and ordered printed in the Journal.

Adjournment.

On motion of Senator Oneal, the Senate, at 3:42 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Petitions and Memorials.

(Telegrams.)

Gainesville, Texas, Sept. 8, 1932.
Senator J. J. Loy,

Care Senate, Austin, Texas.

We are strictly against amendment to Tax Remission Bill, which includes incorporated towns and cities. Not against remission of penalties but against further legislation which encroaches upon local self government.

F. MORRIS, JR., Mayor.

Dallas, Texas, Sept. 8, 1932.
Senator George Purl,

State Senate, Austin, Texas.

We urge you oppose passage of House Bill remitting penalty and interest on city taxes. Matter involves purely local problems vitally affecting revenues of cities. Remission of penalty and interest has tendency to slow up collection of current taxes which may impair city's ability to keep up interest and sinking fund requirements on outstanding bonds. City of Dallas has collected eighty-six per cent of its Nineteen Thirty-one tax roll and ninety-three per cent of its Nineteen Thirty roll. City of Dallas and School Board have adopted budgets for the fiscal year Nineteen Thirty-two Thirty-three relying upon penalty and interest as part of incoming revenue. Such action by the Legislature is contrary to the spirit of the home rule provisions of the Constitution. We request an opportunity to be heard before the Committee considering the bill.

HUGH S. GRADY,
City Attorney.

Washington, D. C., Sept. 8, 1932.
Senator George Purl,
Austin, Texas.

If Texas home owners are to receive benefit of Home Loan Bank it is absolutely necessary to pass laws Building and Loan Associations to purchase stock of Home Loan Bank. They are then entitled to borrow twelve times their subscription based upon home mortgages. Please give the bill your personal support in the interest of home owners of Texas. If you could read some of the letters I am receiving your heart would be touched and no

argument would be necessary. Please answer.

NATHAN ADAMS,
Member Federal Home Loan
Bank Board.

(A Letter.)

Dallas, Texas, Sept. 7, 1932.
Senator George Purl,
State Senate, Austin, Texas.

Dear Senator:

Great embarrassment has been caused the public schools by an announcement from the Department of Education that only sixty per cent of high school tuition for the instruction of transferred pupils last year will be allowed. The instruction has already been given and we have counted on the actual cost, which is ten dollars per month.

While I hesitate at a called session to urge you to bring up any subject other than what the Governor requests the Legislature to act upon, I should like very much for you to request the Governor to get some action on this troublesome question. I respectfully urge you to do what you can do to aid the schools.

With kind regards and best wishes,

Sincerely yours,

N. R. CROZIER,
Superintendent of Schools.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Sept. 8, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Committee Substitute for S. B. No. 4 carefully examined and compared, and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, Sept. 8, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 11 carefully examined and compared, and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, Sept. 8, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 12

carefully examined and compared, and find same correctly engrossed.
HARDIN, Chairman.

Committee Room,
Austin, Texas, Sept. 8, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed bills, have had S. B. No. 16 carefully examined and compared, and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, Sept. 8, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 23 carefully examined and compared, and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, Sept. 8, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 18 carefully examined and compared, and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, Sept. 8, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 17 carefully examined and compared, and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, Sept. 8, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 19 carefully examined and compared, and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, Sept. 8, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 8 carefully examined and compared, and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, Sept. 8, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 28 carefully examined and compared, and find same correctly engrossed.
HARDIN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Sept. 8, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred

H. B. No. 38, A bill to be entitled "An Act to prohibit the hunting, trapping, ensnaring or killing of any wild deer, buck, doe or fawn within the limits of the Counties of Jasper and Newton, State of Texas, for a period of three (3) years from and after the passage of this Act; providing a penalty therefor; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,
Austin, Texas, Sept. 8, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 28, A bill to be entitled "An Act validating all road bonds heretofore voted by any political subdivision or road district under Section 52 of Article 3 of the Constitution, and which bonds have not been issued and sold; authorizing the commissioners' court of the county including such subdivision or road district to pass all orders necessary in respect of the sale of such road bonds and to levy ad valorem taxes on all taxable property in such subdivision or district in payment thereof; providing that such bonds, when approved by the Attorney General and registered by the State Comptroller, shall be the valid obligations of such political subdivision or road district issuing the same; and declaring an emergency."

Have had the same under con-

sideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WILLIAMSON, Chairman.

Committee Room,
Austin, Texas, Sept. 8, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 27, A bill to be entitled "An Act requiring the Land Commissioner to ascertain and determine the amounts of bonus and rental money due the State and by whom due under the operation, terms and conditions of Chapter 81 Printed Acts of the Second Called Session of the 36th Legislature and the amendment thereof by the First Called Session of the 37th Legislature, which Acts are generally referred to as the Relinquishment Act, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

PARRISH, Chairman.

By Small, Berkeley, S. B. No. 27.
Parrish, Parr.

A BILL

To Be Entitled

An Act requiring the Land Commissioner to ascertain and determine the amounts of bonus and rental money due the State and by whom due under the operation, terms and conditions of Chapter 81 Printed Acts of the Second Called Session of the 36th Legislature and the amendment thereof by the First Called Session of the 37th Legislature, which Acts are generally referred to as the Relinquishment Act, authorizing the Land Commissioner to settle and compromise such debts with the debtors on the basis of actual amounts found due less all just and lawful credits; providing the terms and conditions by which the debtor to the State shall pay the amount found by the Land Commissioner to be due, or that may be determined to be due by the judgment of a court; providing that the finding of the Land Commissioner shall be final

against the debtor when accepted by him; providing for the making of a statement in writing by the Land Commissioner to the Attorney General of the facts found by him in each case; authorizing the Attorney General to bring suit for the collection of the amount found to be due the State and when in the judgment of the Attorney General the State is entitled to a larger amount than that found by the Land Commissioner, to sue for such larger amount, fixing the venue of all suits for the recovery of bonus and rental money due the State; providing that no suit may be maintained by the State for the collection of any bonus or rental money except as in this Act provided, and that suit may not be maintained for a larger amount than that found to be due by the Land Commissioner after one year from the date of the Land Commissioner's written statement to the Attorney General, and that no suit for the collection of such debts may be maintained unless instituted within two years from the date this Act becomes effective; providing that the terms and provisions of this Act shall not apply to any indebtedness due the State for bonus or rental money under the Relinquishment Act which has accrued or may accrue subsequent to the 24th day of February, 1932; and that nothing in this Act shall be construed to affect or change the existing rights and obligations between the land owners and lessees as to such accrued indebtedness; the finding of certain facts by the Legislature; defining the terms used in this Act; providing that if any portion of this Act ever be held to be unconstitutional such holding shall not affect the remaining portions of this Act; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section. 1. Wherever the term "Relinquishment Act" is used in this act, the same is meant to refer to and to include Chapter 81 Printed Acts of the Second Called Session of the 36th Legislature and the amendment thereof enacted by the First Called Session of the 37th Legislature. Wherever the term

"debtor" is used in this act, it is meant to include and does include all persons, firms, partnerships and corporations indebted to or claimed by the State to be indebted to it for bonus and rental money accrued under and by reason of the terms and conditions of the Relinquishment Act. The term "Land Commissioner," wherever used in this act, means the Commissioner of the General Land Office of the State of Texas. The term "land owner" or "land owners," wherever used in this act, means the owner of land that came within the provisions of the Relinquishment Act. The term "lessee" or "lessees," wherever used in this act, means the person, firm, partnership or corporation to whom an oil and gas lease was made by the land owner for himself and as agent of the State, under the Relinquishment Act.

Sec. 2. The Supreme Court of this State has held, more than twelve years after the enactment of the Relinquishment Act, that the State is entitled to one-half of all bonus and rental money received by or payable to the land owners from persons and corporations to whom oil and gas leases were made under the provisions of said Relinquishment Act, and has also held that the State is entitled to receive from the lessees of such oil and gas leases an annual minimum rental of ten cents per acre. Many of the oil and gas leases so executed were never recorded, and in other instances the rentals and bonus recited in the leases were not correct, in that, other and different considerations, either more or less, were paid or contracted to be paid, than that which was set forth in the lease contract. More than twelve years have elapsed since the enactment of the Relinquishment Act. Many persons who, by the decision of the Supreme Court, became indebted to the State under the terms and conditions of the Relinquishment Act are now dead. Others are insolvent; and still others, while not insolvent, are unable to pay their debt to the State at this time. The amounts owing to the State as bonus and rental money are not now known; nor is it known who are so indebted to the State. It is, therefore, necessary and imperative that the State ascertain, while witnesses are living

and records are available, the amounts due to it as bonus and rental money accrued under and by reason of the terms and conditions of the Relinquishment Act, by whom such amounts are owing, and that provision be made for the settlement of such indebtedness, either by the immediate payment of same, or by the execution and delivery to the State of interest bearing obligations of such debtors.

Sec. 3. It shall be the duty of the Land Commissioner to ascertain and determine the amounts so owing to the State and by whom said amounts are owing. In ascertaining and determining the amounts due the State, whether from the land owner or the lessee, the Land Commissioner shall take into consideration and give full allowance for all just credits to which such debtors may be lawfully entitled. On this basis, and no other, the Land Commissioner is authorized and directed to settle and compromise any and all claims that the State may have against any debtor for bonus and rental money due to it under the terms and conditions of the Relinquishment Act.

Sec. 4. When the Land Commissioner has ascertained and determined the amounts due the State as in Section 3 of this act provided, and the debtor accepts such determination and finding of the Land Commissioner and pays or causes to be paid the amount found to be due, or executes the obligation to the State as in Section 5 of this act provided, such determination and finding of the Land Commissioner shall be final and conclusive and forever thereafter binding on the debtor. In each and every instance of such settlement, the Land Commissioner shall, within thirty (30) days from the date of settlement, advise the Attorney General by written statement of the facts in the case.

Sec. 5. When the Land Commissioner has ascertained and determined the amount due from the debtor, such debtor may, if such determination is satisfactory, pay said debt, or at his option may make and execute an obligation to the State for the amount due the State, which obligation shall provide for the payment of one-fortieth (1-40) of the amount of such obligation twelve

(12) months from and after its date, and shall provide for the payment of the remainder forty (40) years from the date of such obligation. The obligation shall be in the form of a promissory note and shall bear interest at the rate of three per cent (3%) per annum, and such interest shall be payable annually; principal and interest shall be payable at Austin, Travis County, Texas. All past due interest shall bear interest at the rate of five per cent (5%) per annum. The execution and delivery by the debtor of the obligation herein provided for shall be in full satisfaction of and discharge in its entirety every claim accrued to the State against such debtor for bonus and rental money due the State under the terms and conditions of the Relinquishment Act, provided that the Attorney General may, within one (1) year from the date of the written statement from the Land Commissioner to the Attorney General advising of the settlement or compromise of the State's claim as in this act provided, institute suit upon the State's claim against said debtor or debtors, in a court of competent jurisdiction in the county in which the land covered by said oil and gas lease or leases and upon which such claim has accrued is situated, for such amount as in the judgment of the Attorney General is due the State, unaffected by the Land Commissioner's findings in respect to such amount. No suit may be maintained by the State for recovery of a larger amount than that shown by the Commissioner's findings, unless instituted within one (1) year from the date of such written statement from the Land Commissioner to the Attorney General.

Sec. 6. When the Land Commissioner has determined, as in Section 3, of this act provided, the amounts due the State and by whom due, he shall forthwith mail to the debtor at the last known post office address of such debtor a statement in which shall be set forth the amounts so found and determined by the Land Commissioner as being due the State. The debtor to whom such statement is mailed shall have ninety (90) days after such statement is mailed in which to accept such finding and to make the payment of such indebtedness, or in lieu of such payment to execute the obligation

provided for in Section 5 of this act; or, if such debtor is dissatisfied with the findings and determinations of the Land Commissioner, to present to the Land Commissioner in writing a statement of such facts as may have a bearing on the question as to whether he is so indebted to the State, in whole or in part, as found and determined by the Land Commissioner. If, within such ninety day period, the debtor has not accepted the findings of the Land Commissioner and has not presented to the Land Commissioner in writing any facts tending to show that the findings of the Land Commissioner are erroneous, in whole or in part, then the Land Commissioner shall thereupon certify his findings to the Attorney General, and the Attorney General may file suit, for the collection of the amount so found by the Land Commissioner to be due or for such other amount as in the judgment of the Attorney General the facts of the case may warrant, in a court of competent jurisdiction in the county in which the land covered by said oil and gas leases upon which the bonus and rental money accrued is situated. If the debtor presents the written statement, as in this section provided, the Land Commissioner shall further examine the question, and may for this purpose subpoena and examine such witnesses as in his judgment are necessary in order to ascertain the true facts as to who is indebted to the State and the amount thereof, and shall within six (6) months from the date such statement is filed with him notify the debtor in writing of his final findings as to the amount, if any, due the State, and if the Land Commissioner has found that the debtor is indebted to the State and the debtor does not within ninety (90) days after the mailing of such final findings and determinations by the Land Commissioner make payment of the amount found to be due, or execute the obligation as provided in Section 5 of this act, the Land Commissioner shall certify his findings to the Attorney General, and the Attorney General may institute suit for the recovery of the amount found and determined by the Land Commissioner to be due the State, or for such other amount as in the judgment of the Attorney

General the facts of the case may warrant, as hereinabove provided.

Sec. 7. Upon recovery of judgment by the State in any suit as in this act provided, the defendant or defendants, as the case may be, by paying all costs of suit shall be entitled to a release of the judgment secured against them, upon payment of the same, or by executing an obligation to the State for the amount of the judgment in the same manner and extent as is provided in Section 5 of this act. Upon the execution of such obligation in payment of the judgment, the Land Commissioner shall issue a certificate to that effect and mail the same to the clerk of the court in which the judgment was recovered, and such certificate of the Land Commissioner shall be a full and complete release of the State's judgment against the defendant or defendants against whom judgment was obtained.

Sec. 8. No suit may be maintained by the State for the collection of any bonus or rental money because of the execution of any oil and gas lease under the provisions of the Relinquishment Act, except as in this act provided; and providing further that no suit may be maintained for the collection of any such debt or alleged debt due the State unless such suit is instituted within two (2) years from the date this act becomes effective, but this limitation shall not apply to the obligation made to the State as provided in Section 5 of this act.

Sec. 9. The terms and provisions of this act shall not apply to any indebtedness due the State which has accrued or which may accrue subsequent to the 24th day of February, 1932; and nothing in this act shall be construed to affect or change the existing rights and obligations between the land owners and the lessees, as to such accrued indebtedness.

Sec. 10. If any section, clause, provision or sentence in this act contained should ever be held to be unconstitutional, such holding shall not affect the remaining portions of this act, it being the intent of the Legislature that effect shall be given to so much of this act as may be valid, even if a portion of this act is held to be invalid.

Sec. 11. The indebtedness of the land owner and the lessee to the

State for one-half the bonus and rental money paid by the lessee to the land owner for an oil and gas lease under the terms of the Relinquishment Act arose from a misapprehension of the law, and the right of the land owner to receive and retain all bonus and rental money paid to him by the lessee was acquiesced in by the Attorney General's Department and the Land Commissioner of this State until subsequent to the decision of the Supreme Court in the case of *Greene vs. Robison*, in 1928. Thereafter the Attorney General instituted a suit to determine the question, and the question was not determined until February 1932. For nine years the citizens of Texas owning land affected by the Relinquishment Act and the lessees, in dealing with them, operated under the belief that the land owner was entitled to receive and retain for his own use all of the bonus and rental money paid to him by the lessee, and maintained and kept no records, in many instances, affecting these transactions, and after receiving the money citizens of Texas owning land affected by the Relinquishment Act, in many instances, expended such funds in the improvement of their lands, or in paying to the State the remainder of the purchase money on said land, and such citizens, by reason of the present depressed economic condition of the country, are not now in a position to make final payment to the State of the amounts due for bonus and rental money received from lessees, and if compelled to make such payments at this time, it will involve thousands of such citizens in bankruptcy, and in many other instances citizens will not be able to make the payment at all, which creates an emergency, and an imperative public necessity that the constitutional rule that bills shall be read on three several days in each House shall be suspended, and it is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, Sept. 8, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We your Committee on Public Land and Land Office, to whom was referred

S. B. No. 26, A bill to be entitled "An Act confirming and validating repurchases of public free school and asylum lands for forfeited land owners heretofore made under Chapter 94, page 267, Acts of 1925, and Chapter 25, page 43, Acts of First Called Session of the Thirty-ninth Legislature of 1926; etc., etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

PARRISH, Chairman.

By Small, Berkeley, S. B. No. 26.
Parrish, Parr.

A BILL

To Be Entitled

An Act confirming and validating repurchases of public free school and asylum lands by forfeited land owners heretofore made under Chapter 94, page 267, Acts of 1925, and Chapter 25, page 43, Acts of First Called Session of the Thirty-Ninth Legislature of 1926; defining the rights of the State and the repurchasing land owners in respect to the ownership of the oil and gas and other minerals therein; and providing that oil and gas leases heretofore or hereafter executed by the repurchasing land owners on any lands repurchased under said acts with a one-sixteenth reservation of oil and gas in favor of the State shall be validated and that the lessees under such leases shall pay to the State a free royalty equal to one-sixteenth of the value of the oil and gas that may be produced and saved from said lands and that no further liability, obligation or payment shall be due to the State from the repurchasing land owners or their lessees or assignees on account of the State's one-sixteenth interest in the oil and gas; and providing how such royalty payments shall be made; and further providing that where the prior forfeited sales were made without mineral reservation, the repurchase contracts made under said Repurchase Acts shall be deemed to have been made without mineral reservation in favor of the State; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. All repurchases of public free school and asylum lands by forfeited land owners, under Chapter 94, page 267, Acts of 1925, and Chapter 25, page 43, Acts of First Called Session of the Thirty-Ninth Legislature of 1926, are hereby in all things confirmed and validated and when said lands shall have been fully paid for, under the provisions of said Acts, the same shall be patented.

Sec. 2. Where the repurchase contracts were made under the provisions of Chapter 94, page 267, Acts of the Thirty-Ninth Legislature, Regular Session, and the prior forfeited sales were made under a mineral reservation, the repurchase contracts shall be deemed to have vested fee title to said lands in said repurchasing land owners including fifteen-sixteenths of the oil and gas and other minerals, reserving, however, to the State and to the funds to which said lands belonged one-sixteenth of the oil and gas and other minerals. Where the repurchase contracts were made under the Act last above mentioned, as amended by Chapter 25, page 43, Acts of the First Called Session of the Thirty-Ninth Legislature, and the prior forfeited sales were made under mineral reservation, then said repurchase contracts shall be deemed to have vested fee title to said lands in said repurchasing land owners including fifteen-sixteenths of the oil and gas, reserving, however, to the State and to the funds to which said lands belonged one-sixteenth of the oil and gas and all of the other minerals. Where the repurchasing land owner, whose repurchase contract was made under either of the Acts above mentioned, has heretofore or may hereafter execute an oil and gas lease on said lands, said lease is hereby in all things validated and the lessee thereunder shall pay to the State a free royalty equal to one-sixteenth of the value of the oil and gas that may be produced and saved from said land and no further liability, obligation or payment shall be due the State from either the repurchasing land owner or his lessees or assignees on account of the State's reservation of a one-sixteenth interest in the oil and gas; and where such leases have

been heretofore executed and the lessees thereunder have paid to the State a free royalty equal to one-sixteenth of the value of the oil and gas produced and saved from said lands, the payment of such royalty shall be deemed to have fully satisfied all obligation due to the State on account of its ownership of a one-sixteenth of the oil and gas. Such royalty payments shall be made to the Commissioner of the General Land Office at Austin, Texas, in the manner and under the conditions provided in Articles 5380, 5381 and 5382, Revised Civil Statutes of 1925.

Sec. 3. Where the prior forfeited sales were made without mineral reservation, the repurchase contracts made said Repurchase Acts heretofore mentioned shall be deemed and are hereby declared to the repurchases of the lands without mineral reservation to the State or to the funds to which said lands were appropriated; and full fee title to said lands including all of the oil and gas and other minerals therein shall be and are hereby vested in said purchasers in all cases where the prior forfeited sales were made without mineral reservation.

Sec. 4. The fact that many oil and gas leases have been executed by land owners upon lands repurchased by them under the provisions of Chapter 94, page 267, Acts of 1925, and Chapter 25, page 43, Acts of the First Called Session of the Thirty-Ninth Legislature of 1926, and that under said repurchase contracts the State reserved a one-sixteenth interest in the oil and gas and that there is no statute requiring the lessees thereunder to make royalty payments to the State or how said lessees should otherwise account to the State creates an emergency and an imperative public necessity that the Constitutional rule requiring bills to be read on three several days in both Houses be suspended, and such rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Sept. 8, 1932.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 25, A bill to be entitled "An Act amending Article 5326 Revised Civil Statutes, providing that the failure to pay any portion of the interest on the unpaid purchase money of lands sold by the State shall subject the sale of said land to forfeiture; providing where such sale is forfeited for the resale of said land, the terms and conditions of such resale, and giving a preference right to the person owning the land at the time the sale was forfeited to repurchase the same within one year after the date of forfeiture, for an amount equal to the sale price that was forfeited plus all accrued interest; providing that where the forfeited sale was on a mineral classification that the resale shall reserve to the State and to the fund to which the land belongs a one-sixteenth free royalty interest in all minerals in the land; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

PARRISH, Chairman.

By Small, Berkeley, S. B. No. 25.
Parrish, Parr.

A BILL

To Be Entitled

An Act amending Article 5326 Revised Civil Statutes, providing that the failure to pay any portion of the interest on the unpaid purchase money of lands sold by the State shall subject the sale of said land to forfeiture; providing where such sale is forfeited for the resale of said land, the terms and conditions of such resale, and giving a preference right to the person owning the land at the time the sale was forfeited to repurchase the same within one year after the date of forfeiture, for an amount equal to the sale price that was forfeited plus all accrued interest; providing that where the forfeited sale was on a mineral classification that the resale shall reserve to the State and to the fund to which the land belongs a one-sixteenth free royalty interest in all minerals in the land, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 5326 Revised

Civil Statutes of Texas, 1925, is amended so as to hereafter read as follows:

Article 5326. If any portion of the interest on any sale should not be paid when due, the land shall be subject to forfeiture by the Commissioner entering on the wrapper containing the papers the words "land forfeited," or other words of similar import, with the date of such action, and signing it officially, and thereupon the land and all payments shall be forfeited to the State, and the land shall be offered for sale on a subsequent sale date. In any case where lands have been forfeited to the State for the nonpayment of interest, the purchasers, or their vendees, and in the event of the death of the land owner at the time the sale is forfeited, his heirs and legal representatives shall have a preference right of repurchase at any time within one (1) year from the date of forfeiture at a price equal to the forfeited sale price, plus all accrued interest on the forfeited sale, the past due interest to be paid in cash, and such repurchase shall be on like terms and conditions as the forfeited sale, except where the forfeited sale was made with a specific mineral classification the State shall reserve in the resale of said land, whether to the forfeited owner or another, a one-sixteenth (1/16) free royalty in all minerals in the land. Nothing in this article shall inhibit the State from instituting such legal proceedings as may be necessary to enforce such forfeiture or to recover the full amount of interest and such penalties as may be due the State at the time such forfeiture occurred, or to protect any other right to such land.

Sec. 2. The fact that the present article of the statute has provisions unworkable, confusing, and in many instances resulting in great wrong being done to citizens, where the right of a third party intervened so as to prevent a reinstatement of the forfeited sale, and in view of the further fact that under the repurchase acts of 1925 and 1926, the State retains in the land sold with a mineral reservation only one-sixteenth (1/16) of the mineral estate, which reduces its interest to that of a royalty equal to a one-one hundred twenty-eighth (1/128) part of the minerals produced, creates an emer-

gency and an imperative public necessity that the constitutional rule that bills shall be read on three several days in each House be suspended, and it is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

TENTH DAY.

Senate Chamber,

Austin, Texas, Sept. 9, 1932.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Greer. Russek.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Gainer.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Williamson:

S. B. No. 33, A bill to be entitled "An Act to amend Section 7 of Chapter 163, Acts of the Forty-second Legislature, Regular Session, known as the "Bond and Warrant Law of 1931," being an act regulating the issuance of funding bonds and warrants, or other evidences of indebtedness by counties and cities; providing that an election be held upon the question of the issuance of such

funding bonds or warrants; providing the method of holding such elections; providing the maximum interest rate such funding bonds or warrants may bear; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senators Williamson, Pollard, Purl and Poage:

S. B. No. 34, A bill to be entitled "An Act, to repeal Chapter 167, page 286, Acts of the Forty-second Legislature and to make a felony the breaking, opening or exploding, or to abet in the breaking, opening or exploding of any stink bomb or any stinking, offensive smelling or injurious bomb or substance, with a malicious intent wrongfully to injure, molest or coerce another, or to injure the property or business of another, or to molest another in the use, management, conduct or control or his business or property; and to make a felony for any person to have in his possession, or to sell or manufacture in this State any stink bomb, or any stinking, offensive smelling or injurious substance which is contained in any bomb or container, and which is so devised as to be designed to be broken or exploded for the purpose of emanating unpleasant or injurious odor or gas for the purpose of injuring or being unpleasant to another, or injuring the property of another; providing exceptions thereto; and fixing penalties for the violation of the act and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Pollard:

S. B. No. 35, A bill to be entitled "An Act to amend Article 1499, 1500, 1501, 1502 and 1504 of the Revised Civil Statutes of Texas of 1925 relating to the powers of a corporation engaged in the oil and gas producing business by providing that a separate corporation shall be formed to conduct the gas pipe line business in a similar manner as required for the oil pipe line business; providing that separate incorporation shall be effected not later than December 1, 1932, for issuance of permits to a foreign corporation for engaging in the gas pipe line business and for cancellation, on December 1, 1932, of all permits to foreign corporations au-